



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 20, 2010

Date of Meeting: July 7, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 6:00 p.m., on Tuesday, July 7, 2009, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro-Tempore Romero and upon roll call, those present and absent were:

Present:

Rodney Glassman
Karin Uhlich
Shirley C. Scott
Nina J. Trasoff
Regina Romero

Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 6
Mayor Pro-Tempore, Vice Mayor Ward 1

Absent/Excused:

Steve Leal
Robert E. Walkup

Council Member Ward 5
Mayor

Staff Members Present:

Mike Letcher
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Chaplain Doug Hess, Davis-Monthan Air Force Base after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Pro-Tempore Romero proclaimed July 2009 to be “Smart Irrigation Month”. Jeff Biggs, Tucson Water Director, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro-Tempore Romero announced City Manager’s communication number 373, dated July 7, 2009, was received into and made part of the record. She also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Glassman announced that as a result of a story written by Art Rotstein, a local Associated Press reporter, the City of Tucson received national recognition for its Rainwater and Graywater Harvesting ordinances. He thanked Mr. Rotstein for the nice article and also thanked staff from Tucson Water, Office of Conservation and Sustainability and Planning and Development Services Departments for their great work.
- b. Council Member Scott announced the Ward 4 Council Office on July 8, 2009, was hosting a Crime and Fraud Prevention Forum at the William Clements Center. Terry Goddard, Arizona State Attorney General, Barbara La Wall, Pima County Attorney, a representative from the Pima County Sheriff’s Department, and Roberto Villasenor, Tucson Chief of Police, would be in attendance and participating as part of the panel.
- c. Council Member Trasoff announced the ribbon cutting ceremony for the reopening of the Fourth Avenue underpass was scheduled for August 20, 2009, and invited everyone to attend.

Council Member Trasoff congratulated Adam Taylor, local Tucsonan and personal friend, who was one of fifteen White House Fellows selected from over one thousand applicants.

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro-Tempore Romero announced City Manager’s communication number 374, dated July 7, 2009, was received into and made part of the record. She also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, City Manager, reported that he and Richard Miranda, Assistant City Manager felt it was important to recognize City employees more frequently. Therefore, beginning in August, they would be presenting "You Deserve a Hand" Certificates of Appreciation to city employees for their participation in the Budget 911 employee suggestion program. He also announced they were implementing a new suggestion program called "Advise 10-4" and would continue soliciting employee suggestions on how customer service and internal processes could be improved.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro-Tempore Romero announced City Manager's communication number 375, dated July 7, 2009, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Los Palominos Restaurant, Ward 3
840 E. Fort Lowell Rd.
Applicant: Charles R. Martinez
Series 12, City 34-09
Action must be taken by: July 9, 2009

Tucson Police Department and Development Services have indicated the applicant is in compliance with city requirements.

Revenue Department has indicated the applicant is not in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

This item was considered separately.

c. Special Event(s)

1. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Megan Leslee Courtney
City T42-09
Date of Event: August 7, 2009
(To promote community event in downtown Tucson)

Staff has indicated the applicant is in compliance with city requirements.

2. ArtFare, Ward 6
55 N. 6th Ave.
Applicant: Frank John Calsbeek
City T43-09
Date of Event: August 1, 2009
(Fundraiser for ArtFare)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. ALJS Tavern, Ward 5
4980 E. 22nd St.
Applicant: Raul Humberto Rodriguez
Series 6, City AC3-09
Action must be taken by: June 28, 2009

Revenue Department has indicated the applicant is in compliance with city requirements.

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF JUNE 23, 2009)

This item was withdrawn by the applicant.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 5 to 0 (Council Member Leal and Mayor Walkup absent/excused), to forward liquor license applications 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

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Roger W. Randolph, City Clerk, announced the application to be considered separately was Item 5b1, Los Palominos Restaurant, located in Ward 3.

Council Member Uhlich asked if the applicant or a representative was present. She said the Ward 3 Council Office had made repeated attempts to contact the business. Since there was no response and given the issues noted earlier, she would move that the license application be denied.

It was moved by Council Member Uhlich, duly seconded, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for denial.

Council Member Trasoff asked the City Attorney, if applicants not in compliance with the City for not paying their fees, but were also delinquent on unpaid taxes on another business license, was that an awareness that should be raised constantly by the Mayor and Council. In other words, if someone came before them asking for something from the City or a recommendation, could the Mayor and Council be alerted for people who might be on the list of uncollectible debt to the City, especially given the fact they had recently written off several million dollars.

Mike Rankin, City Attorney, stated that was one of the reasons the item was raised in that context. He said it was an opportunity to bring the delinquent information before the Mayor and Council when such parties were requesting an approval for something else. He said he understood Council Member Uhlich's motion recommending denial was based, at least in part, on the applicant's failure to meet those obligations.

Council Member Trasoff thanked Mr. Rankin and stated she hoped that practice continued.

Mayor Pro-Tempore Romero asked if there was any discussion.

The motion to forward liquor license application 5b1, for Los Palominos Restaurant, to the Arizona State Liquor Board with a recommendation for denial was carried by a voice vote of 5 to 0 (Council Member Leal and Mayor Walkup absent/excused).

6. CALL TO THE AUDIENCE

Mayor Pro-Tempore Romero announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Mike LaFond, City of Tucson Emergency 911 Operator, requested that the Mayor and Council put a halt on fingerprint-scanning devices for employee time keeping.

Council Member Glassman asked Mike Letcher, City Manager to request Ron Lewis, General Services Director, to provide a formal response to the employees' concerns and copy the Mayor and Council.

- b. Joe Sweeney spoke about border issues, groups using the City of Tucson as a sanctuary and illegal immigrants.
- c. Michael Hines spoke about BMX riders and their need for a safe and legal location to ride. He suggested allowing them shared access to the Santa Rita Skate Park at least two days a week.
- d. Scott Laos spoke in support of the BMX community and asked the Mayor and Council to consider funding for BMX riders to get them off the streets and out of danger.
- e. Danny Carpenter spoke in support of the BMX community and the use of Santa Rita Skate Park to bicyclists two days a week.
- f. Ken Scoville spoke about historic preservation concerns regarding the Ghost Ranch Lodge and the Santa Rita Hotel.
- g. Juan Paris spoke in support of BMX riders stating they just wanted a safe place to ride.
- h. Adam Weinstein, Gadsden Company, praised City staff for the phenomenal job done assisting with the application for low income housing tax credits. He stated public and private partnership was alive and well in Tucson.

7. CONSENT AGENDA – ITEMS A THROUGH L

Mayor Pro-Tempore Romero announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. She asked the City Clerk to read the Consent Agenda.

Roger W. Randolph, City Clerk, announced that all items on the agenda were absent the emergency clause due to not enough Council Members being present at the meeting to pass them. He said all items with emergency clauses were effective in thirty (30) days.

A. APPROVAL OF MINUTES

1. Report from City Manager JUL7-09-377 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on April 7, 2009.

B. GRANTS: ACCEPTANCE OF A NATIONAL PARK SERVICE GRANT FOR NATIONAL REGISTER DISTRICT NOMINATIONS

1. Report from City Manager JUL7-09-383 CITY-WIDE
2. Resolution No. 21339 relating to historic preservation; approving a grant of matching funds for review of National Register District Nominations; and declaring an emergency.

C. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENTS TO THE CITY/COUNTY WATER AND WASTEWATER STUDY OVERSIGHT COMMITTEE

1. Report from City Manager JUL7-09-382 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21340 relating to boards and commissions; naming Christopher Brooks to replace Sean Sullivan as one of the Citizens' Water Advisory Committee's representatives on the City/County Water and Wastewater Study Oversight Committee (Oversight Committee); naming Joseph Maher to replace James Watson as one of the Planning Commission's representatives on the Oversight Committee; amending the creating resolution for the Oversight Committee to allow the Mayor and Council to make all future City appointments to the Oversight Committee through the Boards and Commissions agenda item, without the need for a separate appointing resolution; amending Section 3 of Resolution No. 20927; and declaring an emergency.

- D. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH A.P. SOUTHWEST LLC FOR PROPERTY IN THE HISTORIC DEPOT
1. Report from City Manager JUL7-09-381 WARD 6
 2. Ordinance No. 10690 relating to Real Property; authorizing and approving the lease agreement between the City of Tucson and A.P. Southwest LLC for space located in the Historic Depot at 410 North Toole Avenue; and declaring an emergency.
- E. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO CITY OFFICE HOURS AND FURLOUGH DAYS
1. Report from City Manager JUL7-09-389 CITY-WIDE
 2. Ordinance No. 10691 relating to City Office Hours; amending Tucson Code Chapter 2, Administration, Section 2-1, City Office Hours; establishing days in Fiscal Year 2010 when the City may be closed for regular business because of unpaid furlough days for all employees except commissioned police and fire department employees; and declaring an emergency.
- F. WATER: FISCAL YEAR 2010 WATER EFFICIENCY PROGRAM RECOMMENDATIONS
1. Report from City Manager JUL7-09-384 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 21341 relating to Water; approving and authorizing the Citizens' Water Advisory Committee (CWAC) FY 2010 Water Efficiency Program Funding Recommendations; and declaring an emergency.
- G. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO GRANT ROAD FROM ORACLE ROAD TO SWAN ROAD
1. Report from City Manager JUL7-09-387 WARDS 2, 3, AND 6
 2. Resolution No. 21342 relating to Intergovernmental Agreements; approving and authorizing Amendment No. 3 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to Grant Road: Oracle Road to Swan Road; and declaring an emergency.
- H. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR FIXED-ROUTE SERVICE AND ADA PARATRANSIT CERTIFICATIONS
1. Report from City Manager JUL7-09-388 CITY-WIDE AND OUTSIDE CITY

2. Resolution No. 21343 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Pima County for the Provision of Fixed-Route Bus Service (Sun Tran), ADA Paratransit Service (Sun Van), ADA Paratransit Eligibility Determinations, Fare Certification, and Fare Sales for Designated Areas of Pima County; and declaring an emergency.
- I. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH THE GADSDEN COMPANY, LLC FOR DEVELOPMENT OF LOW INCOME HOUSING ON WEST CONGRESS STREET
1. Report from City Manager JUL7-09-390 WARD 1
 2. Ordinance No. 10693 relating to real property; authorizing and approving the Ground Lease agreement between the City of Tucson and The Gadsden Company, L.L.C. for the development of low income housing on West Congress Street; and declaring an emergency.
- J. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF MARANA FOR FIXED-ROUTE BUS SERVICE
1. Report from City Manager JUL7-09-385 OUTSIDE CITY
 2. Resolution No. 21344 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and The Town of Marana for the Provision of Fixed-Route Bus Service (Sun Tran) for Designated Areas of Marana; and declaring an emergency.
- K. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON FOR FIXED-ROUTE BUS SERVICE AND ADA PARATRANSIT CERTIFICATIONS
1. Report from City Manager JUL7-09-386 OUTSIDE CITY
 2. Resolution No. 21345 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement between the City of Tucson and the City of South Tucson for the Provision of Fixed-Route Bus Service (Sun Tran) and ADA Paratransit Service (Sun Van); ADA Paratransit Eligibility Determinations, Fare Certification, and Fare Sales for Designated Areas of South Tucson, and declaring an emergency.
- L. FINAL PLAT: (S08-076) DEPOT PLAZA, A CONDOMINIUM, UNITS 1 TO 4 AND SUB-UNITS 1A TO 6A, 1B, 6B, RA, AND RB
1. Report from City Manager JUL7-09-391(2) WARD 6

2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through L be passed and adopted and the proper action taken.

Mayor Pro-Tempore Romero asked if there was any discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Mayor Pro-Tempore Romero

Nay: None

Absent/Excused: Council Member Leal and Mayor Walkup

Consent Agenda Items A through L were declared passed and adopted by a roll call vote of 5 to 0.

8. PUBLIC HEARING: ZONING (C9-04-05) WRA INVESTMENTS – BILBY ROAD, R-2 TO I-1, REACTIVATION, TIME EXTENSION AND CHANGE OF CONDITIONS

Mayor Pro-Tempore Romero announced City Manager's communication number 378, dated July 7, 2009, was received into and made part of the record. She also announced it was the time and place legally advertised for a public hearing on a request for reactivation, a five year time extension and change of conditions for property located on the southeast corner of Bilby Road and Sears Boulevard.

Mayor Pro-Tempore Romero asked if the applicant or a representative was present.

Mike Marks, MJM Consulting, stated he was representing the owner who was asking for some additional time to perfect the rezoning conditions. He also stated they were satisfied with all the added conditions.

Mayor Pro-Tempore Romero asked Mr. Marks if he was requesting additional time before approval, or if he was agreeable to the proposed requirements.

Mr. Marks said he was agreeable to the proposed requirements.

Mayor Pro-Tempore Romero announced the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. She asked if there was anyone in the audience who wished to speak on the item.

There were no speakers.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 5 to 0 (Council Member Leal and Mayor Walkup absent/excused) to close the public hearing.

Council Member Trasoff stated in looking at the extension Mr. Marks was referring to was that it was a five-year extension on a rezoning that had already been approved. She said what she was pleased to see was that there was a waiver that protected the City; they would meet the new Rainwater Harvesting Standards, and would be planting one canopy tree for four parking spaces. She said what the City was receiving was slightly better in exchange for giving the owner an extension for five-years so that they could get their plans together and get it done.

It was moved by Council Member Trasoff, duly seconded, to authorize the five-year time extension and change in conditions as recommended by City staff. Mayor Pro-Tempore Romero asked if there was any discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Mayor Pro-Tempore Romero

Nay: None

Absent/Excused: Council Member Leal and Mayor Walkup

The motion to authorize the five-year time extension and change in conditions as recommended by City staff was passed by a roll vote of 5 to 0.

9. PUBLIC HEARING: PROPOSED ALTERNATIVE EXPENDITURE LIMITATION – HOME RULE OPTION

Mayor Pro-Tempore Romero announced City Manager's communication number 379, dated July 7, 2009, was received into and made part of the record. She also announced it was the time and place legally advertised for a public hearing on the proposed alternative expenditure limitation, regarding the Home Rule Option. She said the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. She asked if there was anyone in the audience who wished to speak on the item.

Hearing none, she asked for a motion to close the public hearing.

It was moved by Council Member Scott, duly seconded, to close the public hearing.

Mayor Pro-Tempore Romero asked if there was any discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Mayor Pro-Tempore Romero

Nay: None

Absent/Excused: Council Member Leal and Mayor Walkup

Motion to close the public hearing passed by a roll call vote of 5 to 0.

RECESS: 6:43 p.m.

RECONVENE: 6:45 p.m.

The meeting was called to order by Mayor Pro-Tempore Romero and upon roll call, those present and absent were:

Present:

Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Regina Romero	Mayor Pro-Tempore, Vice Mayor Ward 1

Absent/Excused:

Steve Leal	Council Member Ward 5
Robert E. Walkup	Mayor

10. TUCSON CODE: AMENDING (CHAPTER 12A) DEPARTMENT OF FINANCE, DISBANDING THE DEPARTMENT OF BUDGET AND RESEARCH

Mayor Pro-Tempore Romero announced City Manager's communication number 380, dated July 7, 2009, was received into and made part of the record. She asked the City Clerk to read Ordinance 10692 by number and title only.

Ordinance No. 10692 relating to Department of Finance; amending the Tucson Code Chapter 12A, Department of Finance, repealing Sections 12A-3, Department of Budget and Research Established, and 12A-4, Powers and Duties of the Department of Budget and Research, to disband the Department of Budget and Research; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 10692.

Mayor Pro-Tempore Romero asked if there was any discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;
Mayor Pro-Tempore Romero

Nay: None

Absent/Excused: Council Member Leal and Mayor Walkup

Ordinance 10692 was declared passed and adopted by a roll call vote of 5 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro-Tempore Romero announced City Manager's communication number 376, dated July 7, 2009, was received into and made part of the record. She asked if there were any personal appointments.

There were no personal appointments.

12. ADJOURNMENT: 6:47 p.m.

Mayor Pro-Tempore Romero announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, August 5, 2009, t 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 7th day of July 2009, and do hereby certify that it is an accurate transcription.

CITY CLERK

RWR:rg:ds